

Appl. No. 09/976,516
Amendment dated March 6, 2006
Reply to Office Action of December 6, 2005

Remarks/Arguments

Claims 1-20 are pending and of these, claims 1-8 and 11-18 stand rejected on varying grounds under §102(e) while claims 9-10 and 19-20 are objected to but deemed to recite allowable subject matter.

Claim 9 has been rewritten in independent form and new claims 21, 22 have been added. No new matter has been included.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-22 and withdraw the rejection of or objection to these claims.

a) Claims 1-8 and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando (U.S. Patent No. 6,895,432).

Claim 1 and claim 11 are independent claims with the claims 2-8 and 12-18 dependent on, respectively, claim 1 and claim 11.

The present invention concerns node security in a router of a packet network. Claim 1 defines a method for providing node security in the router of the packet network and claim 11 defines in varying scope a corresponding router for providing node security in a packet network. Generally the invention includes monitoring a data packet and determining in the router whether the data packet may be harmful to a destination device and if so and responsive to the determining, transmission of the packet is interrupted and a second router is communicated with to cause the second router to interrupt transmission of a next or future data packet all as claimed. If no problems are detected the data packet is transmitted.

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Ando et al. is related art with a 371(c) (effective date) of May 4, 2001 where as the filing date (effective date) of the present application is October 12, 2001. Applicant is presently conducting an investigation to determine whether the present invention predates the Ando et al material pursuant to filing a Rule 1.131 Declaration.

Ando et al describes a technique for causing routers to discard unauthorized data packets (abstract, etc). Ando et al shows a victim host computer 30 (destination device) receives an unauthorized packet (col. 5, lines 40-44). The victim host computer 30 (destination device) determines that the unauthorized packet may be harmful (col. 5, lines 45-59) and then sends corresponding information (unauthorized access occurrence data – line 55) to border router 10. The router 10 registers or stores unauthorized access information based on the unauthorized access occurrence data received from the victim host computer 30 (destination device) (col. 6, lines 1-6) and, responsive to receiving the unauthorized access occurrence data, notifies other routers RT1 40 in other systems AS00, AS01 of the unauthorized access information (col. 6, lines 7-12). Thereafter in the event of a re-intrusion (another unauthorized packet), the packet is compared to unauthorized access information corresponding to the unauthorized access occurrence data from the victim host computer 30 and the packet is discarded when the packet and information are coincident (col. 6, lines 13 – 23).

Claim 1 and claim 11 (in analogous form) affirmatively recite “interrupting transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, *the interrupting further comprising the step of communicating* (emphasis added) with a second router to cause the second router to interrupt transmission of a future data packet”. While Ando et al shows communicating from one router to another pursuant to

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interrupting transmission of a future data packet; Ando et al does not show performing such communicating responsive to determining that the data packet is potentially harmful as specifically claimed. Rather Ando et al as noted above, performs such communicating responsive to a destination device (victim computer 30) providing information concerning unauthorized access.

Thus, Ando et al in view of the passages cited by the Examiner or the balance of the reference clearly does not show or suggest all features (communicating with another router responsive to determining in the router ...) of claim 1 or claim 11 or, at least by virtue of dependency, claims 2-8 and 12-18 and hence does not support a §102(e) rejection of these claims. Therefore in view of at least these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-8 and 11-18 under 35 U.S.C. 102(e) as being anticipated by Ando (U.S. Patent No. 6,895,432).

b) Claims 9, 10, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 has been rewritten in independent form to include all features of claim 1 and previous claim 9 and thus should be allowable. Applicant seeks to preserve the right to change claim 19 in the event that further discussions of claim 11 are not fruitful.

c) New claims 21 and 22 have been added. These claims depend, respectively, from claim 1 and claim 11.

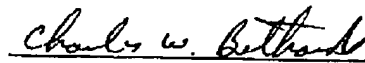
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Claim 21 and 22 further define the claimed determining in the router feature as determining in the router, without relying on information from the destination device, whether the data packet is potentially harmful to the destination device. As noted above (page 9) in the analysis of Ando et al. any determination in a router is performed based on information provided by the destination device (victim host computer 30). Thus, these claims clearly recite a feature that is not shown or suggested by Ando et al. and therefore in view of this reason in addition to dependency on a claim that appears to be allowable, claims 21, 22 should likewise be allowable.

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable other than the extra claims fee separately considered given that this Amendment and Response is being timely filed with the 3 months allotted, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-3435.

Respectfully submitted,


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